



William C. Lynch
Application No.: 09/987,338
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PATENT

REMARKS

STATUS OF THE APPLICATION

Prior to this amendment, claims 1-138 were pending in this application. Claims 19-138 were rejected under 35 U.S.C. §112, first paragraph.

Applicant has amended claims 19, 23-27, 32-33, 38-45, 48-49, 53-57, 62-67, 74-76, 78, 80, 83-85, 87-95, 97-98, 103-104, 107, 109, 114-115, 118, 120, 126, 133-134, and added new claims 139-185. Applicant submits that no new subject matter has been introduced by the amendments. Claims 1-185 remain pending in this application after filing this amendment.

THE DECLARATION

The Examiner has indicated that the originally filed declaration was defective, contending that the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. To obviate this issue, Applicant submits herewith a Supplemental Declaration for Reissue pursuant to 37 C.F.R. § 1.175. As a result, Applicant submits that the Declaration now conforms to the reissue requirements.

THE SPECIFICATION

The Examiner has objected to the specification, stating that the specification should have a single column, not double. Actually, this is incorrect. 37 C.F.R. § 1.173(a)(1) specifically states “[t]he entire specification, including the claims, of the patent for which reissue is requested must be furnished in the form of a copy of the printed patent, in double column format, each page on only one side of a single sheet of paper.” (Emphasis added). Accordingly, Applicant submits that the specification as originally filed is correct.

THE DRAWINGS

The Examiner has objected to the drawings under 37 C.F.R § 1.83(a), noting that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner noted that the drawings did not illustrate the “airborne platform” of claim 70, the “exo-atmospheric platform” of claim 71, and “the earth station comprises an airborne platform” of claim 77. These claim limitations appear in other claims as well.

To address this issue, Applicant has amended the drawings to show that the client may comprise airborne platforms and exo-atmospheric platforms as stated in the specification at column 6, lines 9-16. In addition, Applicant has amended the drawings to show that the terrestrial stations may comprise airborne platforms or airborne users as stated in the specification at column 6, lines 20-23, and column 7, lines 19-24. In addition, Applicant has amended the specification above so that it now indicates that the airborne and exo-atmospheric platforms, as claimed, are shown in the drawings. Applicant respectfully submits that these amendments do not add new matter, because the airborne platform and the exo-atmospheric platform clients, and the airborne platform terrestrial stations were clearly disclosed in the original patent, as indicated above.

THE CLAIMS

Section 112, First Paragraph Rejections

The Examiner has rejected claims 19-138 under 35 U.S.C. §112, first paragraph, stating that the claimed subject matter was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Examiner contends that the specification fails to provide an enabling disclosure on how a (meaning single) server satellite can receive mission data from a client, irrespective of its location on earth.

The Applicant has amended independent claims 19 and 49 so that they now recite a “server satellite system comprising a plurality of satellites.” As a result, Applicant

submits that these amendments overcome the Examiner's rejections, thus these independent claims and the associate dependent claims should be allowed.

In addition, independent claims 33 and 57 already recited "a plurality of server satellites," and thus, the Examiner's rejections with respect to these claims was improper. Accordingly, Applicant submits that these claims are allowable. Also, as the Examiner can see, Applicant has amended these claims slightly. These amendments were made to clarify the language of the claim, and not to narrow the scope of the claims in any way.

Finally, as the Examiner can see, Applicant has amended a number of the independent claims as well. Again these amendments were made to clarify claim language, not to limit or narrow the scope of claims, and thus, they should not be interpreted as narrowing claim amendments. Applicant submits that it has now overcome all the rejections set forth by the Examiner.

New Claims 139-185

New claims 139-185 have been added to claim additional novel aspects of the present invention. Applicant respectfully submits that new claims 139-185 are allowable over the prior art. In addition, Applicant submits that no new matter has been added by the addition of the new claims.

CONCLUSION

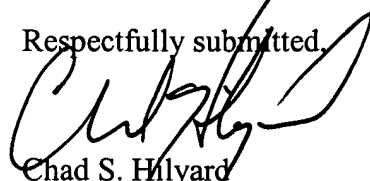
In view of the foregoing, Applicant believes that all claims now pending in this Application are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to issue a formal Notice of Allowance as early as possible.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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